

of February 22, 2002. In that Office Action the Examiner indicated that the reference teaches the use of the claimed neurotrophic factor stimulator in a pharmaceutical formulation for the treatment of neuropathy and retinal diseases. Applicant respectfully traverses the rejection.

Takeda Chem discloses the use of idebenone for the prophylaxis or treatment of diabetic complications through the inhibition of the generation of superoxide rather than through neurotrophic factor stimulation. In addition, the retinal disease which is a complication arising from diabetes differs from the retinal damage associated with glaucoma. In view of the previous amendments and the present amendment to Claim 1 Applicant respectfully requests reconsideration.

Claims 10 and 14 have been rejected under 35 U.S.C. § 103 for the reason set forth on pages 2 and 3 of the Office Action dated February 22, 2002. That rejection is based on Rathbone, et al. Applicant respectfully traverses the rejection.

The Examiner has indicated that Rathbone, et al. teach the use of AIT-082 in a pharmaceutical formulation as a neuroprotective agent, citing page 369, column 1 and the entire article. Respectfully, the summary on page 369 of Rathbone, et al. indicates that the nonadenine-based purines may have a significant role in the physiological and pathological process in the nervous system. Furthermore, it states that the development of purine derivatives, such as AIT-082, which do cross the blood brain barrier is an essential step in modulating the trophic processes which are influenced by guanosine and GTP. It also states that the role of these compounds in memory is well established and that based on the work presented in the article they may have a much wider application. The summary indicates that they may well prove useful in acute neurologic injury as anti-excitotoxic agents as well as having potential roles in enhancing plastic repair processes in the nervous system. Respectfully, there is no hint or suggestion to a person skilled in the art to employ these compounds as neuroprotective agents for the treatment of the retinopathy associated with glaucoma. Reconsideration is respectfully requested.

Respectfully submitted,

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Date

By: Sally Yeager
Sally Yeager
Registration No. 32,757
Phone No. (817) 551-4031

Address for Correspondence:



26356

PATENT TRADEMARK OFFICE
Attorney Docket No: 1719F US

37 C.F.R. 1.121(c)(1)(ii) "MARKED-UP" VERSION OF CLAIMS:

8. (Amended) A method for the treatment of retina or optic nerve head
5 neuropathy associated with glaucoma which comprises administering to a mammal a
composition comprising an effective amount of one or more neurotrophic factor stimulator(s)
and a pharmaceutically acceptable vehicle.